

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

NETTIE MAE WHITAKER,

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Plaintiff,

]

-vs-

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CA NO: 0:05-2708-MJP

ORDER

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CHESTER-LANCASTER DSN,

]

Defendant.

The plaintiff, Nettie Mae Whitaker, proceeding *pro se*, has filed the instant action asserting claims for breach of contract and for race discrimination in violation of Title VII of the Civil Rights Act of 1964, as amended and 42 U.S.C. § 2000e, et. seq. The defendant denies plaintiff's allegations and has moved for summary judgment.

Pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 73.02(B)(2)(e) and (g), D.S.C., this matter was referred to the United States Magistrate Judge for review. The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of those portions of the recommendation to which specific objection is made.

The matter is now before the Court upon the Report and Recommendation of the United States Magistrate Judge recommending summary judgment in favor of the defendant as to plaintiff's race discrimination claim. The Magistrate Judge further recommends that plaintiff's remaining state law claims based on breach of contract be dismissed, without prejudice due to the defendant's Eleventh Amendment immunity from suit in this court.

Neither party has filed objections to the Magistrate Judge's Report and Recommendation. Nonetheless, this Court has made a *de novo* review of the record before it. The Court observes that the plaintiff is proceeding *pro se* and the Court recognizes that such *pro se* complaints and petitions are held to a less stringent standard than those drafted by attorneys.

Upon careful consideration, the Report and Recommendation of the Magistrate Judge is approved. For the reasons set forth in the Report and Recommendation of the Magistrate Judge, the defendant's motion for summary judgement is GRANTED as to plaintiff's race discrimination claim. It is further ordered that plaintiff's remaining state law claims are DISMISSED without prejudice.

IT IS SO ORDERED.



MATTHEW J. PERRY, JR.
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina

October 17 2006